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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/408,264	09/29/1999	RAPHAEL PAUL CLAUDE CASSIERS	Q55802	3837

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EXAMINER

NGUYEN, BRIAN D

ART UNIT

PAPER NUMBER

2661

DATE MAILED: 09/24/2003

14

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/408,264

Applicant(s)

CASSIERS ET AL.

Examiner

Brian D Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on the amendment filed 6/2/03.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 02 June 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: drawing correction.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3, and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morelli et al (6,236,674) in view of Bremer (6,320,879).

Regarding claim 1, Morelli discloses a method to transit in a communication system comprising a transmitter, a communication medium, and a receiver (see Figure 1 and col. 5, lines 17-29), from a low power state to a full power state comprising transferring data packets from the transmitter to the receiver at a low power, wherein low power transmission of a currently transferred data packet is interrupted (see abstract; col. 1, lines 11-15; col. 4, lines 11-13; col. 6, lines 51-54; col. 18, line 1-5). Although Morelli discloses interrupting the low power transmission of the data packet to switch to a full power state, Morelli does not explicitly disclose a copy of the interrupted transferred data packet is transmitted at full power. However, retransmitting an interrupted data packet is well known in the art. Bremer from the same or similar field of Morelli disclose that interrupted data packet will need to be retransmitted (see col. 2, lines 11-14). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to transmit a copy of the interrupted data packet as taught by Bremer in the system of Morelli so as to ensure the transmission of reliable data when switching from low power to full power state.

Regarding claim 3, Morelli discloses state transition arrangement to be used to transfer from a low power state to a full power state in a transmitter being adapted to transmit data packets at low power when it is operating in the low power state and to transmit data packets at full power when it is operating in the full power state (see abstract and col. 1, lines 11-15), characterized in that the state transition arrangement comprises interruption means for interrupting transmission of a currently transferred data packet (see interruption at time  $t_2$  of Figure 7 and col. 4, lines 11-13). Morelli does not explicitly disclose re-transmission means for transmitting a copy of the currently transferred data packet at full power. However, retransmitting a data packet when the packet is interrupted is well known in the art. Bremer from the same or similar field of Morelli disclose retransmitting the interrupted data packet (see col. 2, lines 11-14). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to retransmit a copy of the interrupted data packet as taught by Bremer in the system of Morelli so as to ensure the transmission of reliable data when switching from low power to full power state.

Regarding claim 4, Morelli discloses state transition arrangement to be used to transfer from a low power state to a full power state in a receiver being adapted to receive data packets at low power when it is operating in the low power state and to receive data packets at full power when it is operating in the full power state (see abstract; col. 1, lines 11-15; and col. 4, lines 24-34). Morelli does not explicitly disclose detection means for detecting an interrupted low power data packet and deletion means coupled to the detection means for deleting the interrupted low power data packet, and reception means for receiving a copy of the low power data packet at full power. However, a receiver with means for detecting an interrupted data packet if such

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interruption occurred, deleting the interrupted packet, and receiving a copy of the interrupted packet is well known in the art. Bremer from the same or similar field discloses a receiver in which an interrupted data packet will be detected and deleted (discard) and a copy of the interrupted data packet will be received (see col. 2, lines 14-24 and col. 5, lines 1-12).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to detect and delete the interrupted data packet and to receive a copy of the interrupted data packet as taught by Bremer in the system of Morelli so as to ensure the reception of reliable data when switching from a low power to a full power state.

3. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Morelli et al (6,236,674) in view of Bremer (6,320,879) as applied to claim 1 above, and further in view of Gibson et al (6,049,885).

Regarding claim 2, Morilli and Bremer disclose all the claimed subject matter as described in paragraph 5 above, except for transmitting a state transition indication to the receiver before the copy of the currently transferred data packet is transmitted at full power. However, Gibson from the same or similar field of Morilli discloses a transmitter for transmitting a state transition indication (a remote wake-up packet) to a receiver (remote device) to take the receiver out of its low power state (see abstract and col. 2, lines 3-6). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to transmit a state transition indication to the receiver as taught by Gibson in the system of Morelli so that the receiver will know what mode the transmitter is operating so as to receive and process the incoming data packet correctly.

***Response to Arguments***

4. Applicant's arguments filed 6/2/03 have been fully considered but they are not persuasive.

The applicant argues that the examiner acknowledges that Morelli fails to disclose transferring data packet from the transmitter to the receiver at low power, wherein low power transmission of a currently transferred data is interrupted, and a copy of the currently transferred data packet is transmitted at full power. The examiner disagrees because Morelli does disclose transferring data packet from the transmitter to the receiver at low power (see powered down state during periods when a signal being received is below a predetermined threshold in lines 1-5 of abstract). In other words, there is a communication between the transmitter and a receiver at low power mode. Morelli also disclose a currently data is interrupted (see packet is interrupted at time t2 in figure 7). Morelli does not disclose retransmit interrupted data packet. However, it is well known that interrupted data will be resent so that data can be reassembled at the receiver end. Bremer discloses the limitation: retransmitting interrupted data packet that Morelli does not explicitly teach. In addition, the applicant describes in the background of the invention on page 1, lines 21-24 that the transition between low power and full power state is entered at the beginning of the next supper frame. However, Morelli discloses the transition is at the middle of the frame (see figure 7). Therefore, the combination of the background and Morelli is also sufficient to render the claimed obvious under 35 USC 103.

***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian D Nguyen whose telephone number is (703) 305-5133. The examiner can normally be reached on 7:30-6:00 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Olms can be reached on (703) 305-4703. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

BN

  
**KENNETH VANDERPUYE**  
**PRIMARY EXAMINER**